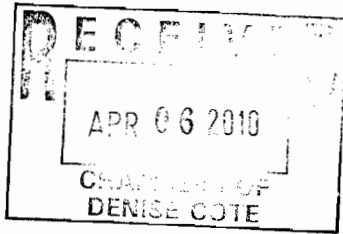


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DAVID LEICHTMAN
212-980-7401

April 5, 2010

MEMO ENDORSED**BY HAND**

Hon. Denise Cote
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

**RE: IN RE APPLICATION OF MOBITV, INC., 09 CIV. 7071, RELATED TO UNITED STATES
V. AMERICAN SOCIETY OF COMPOSERS, AUTHORS & PUBLISHERS, 41 CIV. 1395**

Dear Judge Cote:

We represent the American Society of Composers, Authors and Publishers ("ASCAP"), as well as two individual non-parties, David Vanacore and David Wolfert (the "Composers") in the above-captioned matter. We write in response to the Court's March 30, 2010 rulings on ASCAP's proposed redactions to ASCAP's Proposed Findings of Fact and Conclusions of Law and ASCAP's Trial Brief. Specifically, in view of Mobi's unexpected objections to ASCAP's proposed redactions to references to the Composers, and the Court's rulings, ASCAP respectfully requests that it be heard at the pre-trial conference on this sensitive third party confidentiality issue.

MobiTV, Inc. ("Mobi") has objected to the proposed redaction of the names of the Composers. It is not clear why Mobi makes such objections, as the public revelation of the Composers' identities would add nothing of substance to the public version of the pleadings. On the other hand, revealing the Composers' names could result in damage to the Composers' businesses and livelihoods. ASCAP and the non-party witnesses respectfully submit that upon balancing these two interests, the privacy concerns of the Composers should outweigh any interest Mobi may have in allowing the public to learn their identities. As such, ASCAP believes that its original proposed redactions were necessary to protect the sensitive confidential information.

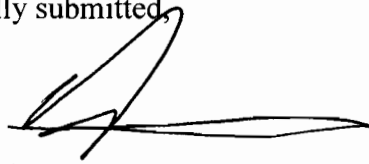
The Composers agreed to submit their respective witness statements with the understanding that their identities and other sensitive information about their careers and individual finances would be subject to and protected by the June 25, 2008 Stipulated Protective

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Order. As such, they have disclosed highly sensitive financial and business operations information, the public revelation of which could impact their ability to negotiate and license their musical compositions in the future.

Therefore, we respectfully ask Your Honor to accept ASCAP's original proposed composer redactions or to discuss at the pre-trial conference a narrower set of redactions that may address this highly sensitive third party confidentiality issue.

Respectfully submitted,



David Leichtman

Enclosures

cc: Richard H. Reimer, Christine Pepe
Hillel I. Parness, Bryan J. Vogel, Oren D. Langer
Kenneth Steinthal, Joseph Wetzell, Harris Cohen, Matthew Reagan

*This will be addressed at
the final pre-trial
conference.*

Denise Cote
April 6, 2010